

REMARKS/ARGUMENTS

Claims 29-43 remain in the application. Claims 27, 29, 34 and 39 have been amended. Claims 1-26 were cancelled in a prior response.

I. REJECTION UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claim 29 was rejected under 35 USC 112, first paragraph as failing to comply with the written description requirement. The applicant has amended claim 29 to remove the limitation of “converting some of the purchase points into the company stock shares according to the second formula.” For these reasons, the applicant submits that claim 29 as amended complies with the requirements of 35 USC 112, first paragraph.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 27, 28, 34 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fredregill (WO 01/86545) in view of Bachman (US 6,895,386). The Examiner argues that Fredregill discloses the claim limitations: setting a work shift requirement, identifying employee productivity in excess of the work shift requirement and assigning the employee a point value equal to the excess of the work shift requirement.

Claims 27, 34 and 39 have been amended to add the limitations of updating a price for the units of business equity and updating an employee ID profile to add the one or more units of business equity for the employee productivity in excess of the work shift requirement after a current work shift is completed and before a next work shift. The “updating a price” limitation is supported by the specification at paragraphs 0064, 0071 and 0072 and the “updating an employee ID” limitation is supported at paragraphs 0044, 0058 and 0059 of US Patent Publication No. 20030004799. The applicant submits that these added limitations are not disclosed or suggested by the cited prior art. For these reasons, the applicant submits that claims 27, 34 and 39 would not have been obvious under 35 U.S.C. §103(a) over Fredregill in view of Bachman. Claim 28 depends from claim 27 and for these same reasons, the applicant submits that claim 28 would not have been obvious under 35 U.S.C. §103(a) over Fredregill in view of Bachman.

Claim 29 was rejected under 35 U.S.C. §103(a) over Fredregill in view of Bachman and further in view of Lee (US 2001/0054006). Claim 29 was amended to add the limitations updating a price for the unit of business equity and updating an employee ID profile to add one or more units of business equity for the employee productivity in excess of a work shift requirement after a current work shift is completed and before a next work shift. The applicant submits that this added limitation is not disclosed or suggested by the cited prior art. For these reasons, the applicant submits that claims 29 would not have been obvious under 35 U.S.C. §103(a) over Fredregill in view of Bachman and further in view of Lee.

Claim 30 depends from claim 29 and was rejected under 35 U.S.C. §103(a) over Fredregill in view of Bachman and further in view of Lee and Boyd (US 2004/0193489). The applicant submits that the added limitations of claim 29 are not disclosed or suggested by the cited prior art. For these reasons, the applicant submits that claim 30 would not have been obvious under 35 U.S.C. §103(a) over Fredregill in view of Bachman and further in view of Lee and Boyd.

Claims 31-33 depend from claim 29 and were rejected under 35 U.S.C. §103(a) as being unpatentable over Fredregill in view of Bachman and further in view of O'Brien (US Patent No. 6,587,831). The applicant submits that the cited prior art does not disclose or suggest the amended limitations of claim 29. Thus, claims 31- 33 would not have been obvious under 35 U.S.C. §103(a) over Fredregill in view of Bachman and further in view of O'Brien.

Claims 35 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fredregill in view of Bachman and further in view of Boyd. Claim 35 depends from claim 34 and includes the limitations, updating a price for the unit of business equity and updating an employee ID profile to add the one or more units of business equity for the employee productivity in excess of the work shift requirement after a current work shift is completed and before a next work shift. Claim 40 depends from claim 39 which also includes these limitations. The applicant submits that the amended claim limitations are not disclosed by the cited prior art. Thus, claims 35 and 40 would not have been obvious under 35 U.S.C. §103(a) over Fredregill in view of Bachman and further in view of Boyd.


Claims 36-38 and 41-43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fredregill in view of Bachman and further in view of O'Brien. Claims 36-38 depend from claim 34 and claims 41-43 depend from claim 39. As discussed above, claims 34 and 39 were amended to add limitations, updating a price for the unit of business equity and updating an employee ID profile to add the one or more units of business equity for the employee productivity in excess of the work shift requirement after a current work shift is completed and before a next work shift. The applicant submits that these amended claim limitations are not disclosed by the cited prior art. Thus, claims 36-38 and 41-43 would not have been obvious under 35 U.S.C. §103(a) over Fredregill in view of Bachman and further in view of O'Brien.

III. CONCLUSION

The applicant respectfully requests that a timely Notice of Allowance be issued in this case. The Examiner is encouraged to call the undersigned if there are any questions or comments at (415) 705-6377. The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication or credit any overpayment to Deposit Account No. 04-0822.

Respectfully submitted,

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By: 
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